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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,855	08/08/2004	Sung-san Chang	LITP0042USA	4854
27765	7590	03/28/2008		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER HEYI, HENOK G	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 03/28/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/710,855	Applicant(s) CHANG, SUNG-SAN	
	Examiner HENOK G. HEYI	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Argument

Applicant's argument about rejection of claims 1-9 is accepted by examiner and the final rejection has been withdrawn. However, claims 9, 14 and other claims that depend on these two claims stand rejected because these two independent claims are broadly claimed and the reference used in previous action in view of Kamiya et al. 5,917,435 (Kamiya herein after) reads on them.

Allowable Subject Matter

1. Claims 1-9 are allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno US 2005/0204373 A1 in view of Kamiya et al. 5,917,435.

Regarding claim 9, Ueno et al teach a method of determining an optimal control profile for adjusting tray-in/out speeds of a tray in an optical disk drive, comprising: driving the tray for movement according to an initial control profile which is one of the control profile sets for deriving a tray speed function (controlling means based on a predetermined drive profile in which a speed is set differently, page 15 para [0290]); and selecting an optimal control profile from the control profile sets according to the tray speed function (for the purpose of measuring a loading time and an ejection time and calculating an optimal drive profile, page 9 para [0169]) but Ueno fails to teach setting a plurality of control profile sets. However, Kamiya teaches multiple profile sets as depicted in Figs 15-16(see 5V and 8V). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the tray in/out speed by using plural control profile sets. The modification would have been obvious because Kamiya teaches that different current and voltage values could be used as control profile sets to get the optimal control needed.

Regarding claim 10, Ueno et al teach the method of claim 9, and wherein the movement of the tray is tray-in (loading a tray into inside a disk drive or loading, page 1 para [0003]).

Regarding claim 11, Ueno et al teach the method of claim 9, and wherein the movement of the tray is tray-out (ejects a disk out of the disk drive or ejection, page 1 para [0003]).

Regarding claim 12, Ueno et al teach the method of claim 9, and wherein the method is started with applied software (central processing unit (MPU) and a PC, page 34 para [0607]).

Regarding claim 13, Ueno et al teach the method of claim 9, and wherein the method is capable of being stopped by a user for selecting the optimal control profile from the control profile sets according to individual preference (manual loading operations, para [0419] to [0427]).

Regarding claim 14, Ueno et al teach a method of determining an optimal control profile for adjusting opening/closing speeds of a cover in an optical disk drive, comprising: driving the cover for movement according to an initial control profile which is one of the control profile sets for deriving an cover speed function (controlling means based on a predetermined drive profile in which a speed is set differently, page 15 para [0290]); and selecting an optimal control profile from the control profile sets according to the cover speed function (for the purpose of measuring a loading time and an ejection time and calculating an optimal drive profile, page 9 para [0169]) but Ueno fails to teach setting a plurality of control profile sets. However, Kamiya teaches multiple profile sets as depicted in Figs 15-16(see 5V and 8V).). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the tray in/out speed by using plural control profile sets. The modification would have been obvious because Kamiya teaches that different current and voltage values could be used as control profile sets to get the optimal control needed.

Regarding claim 15, Ueno et al teach the method of claim 14, and wherein the movement of the cover is cover-open (loading a tray into inside a disk drive or loading, page 1 para [0003]).

Regarding claim 16, Ueno et al teach the method of claim 14, and wherein the movement of the cover is cover-close (ejects a disk out of the disk drive or ejection, page 1 para [0003]).

Regarding claim 17, Ueno et al teach the method of claim 14, and wherein the method is started with applied software (central processing unit (MPU) and a PC, page 34 para [0607] and see also fig. 47).

Regarding claim 18, Ueno et al teach the method of claim 14, and wherein the method is capable of being stopped by a user for selecting the optimal control profile from the control profile sets according to individual preference (manual loading operations, page 19 para [0419] to [0427]).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
March 13, 2008

HGH
Patent Examiner
03/04/2008